

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LEROY BROWN,

Plaintiff,

v.

Civ. No. 9:04-CV-1075
(FJS/RFT)

K. LEE, Doctor at Clinton Correctional Facility; J. MITCHELL, Health Service Administrator at Clinton Correctional Facility,

Defendants.

APPEARANCES:

LEROY BROWN
Plaintiff, Pro Se
875-06-02225
R.N.D.C.
11-11 Hazen Street
East Elmhurst, New York 11370

OF COUNSEL:

HON. ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant Lee
New York State Department of Law
The Capitol
Albany, New York 12224

JANICE A. DEAN, ESQ.
Asst. Attorney General

FREDERICK J. SCULLIN, JR., S.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation and Order of Magistrate Judge Randolph

F. Treece filed February 7, 2007 and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

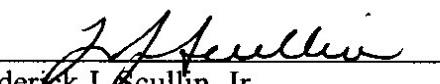
ORDERED, that the Report-Recommendation and Order of Magistrate Judge Randolph F. Treece filed February 7, 2007 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

ORDERED, that Defendant's Motion to Dismiss pursuant to Fed. R.Civ.P.37(b) (Dkt. No. 28) is **GRANTED** and this action is **DISMISSED**; and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendant and close this case.

IT IS SO ORDERED.

DATED: March 1, 2007
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge